

10 Rec'd PCT/PTO 22 SEP 2005

Docket No. 4350-4005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Ben-Oren et al.

Group Art Unit: TBA

Serial No.: 10/519,723

Examiner: TBA

Filed: December 28, 2004

For: MANAGEMENT OF GASTRO-INTESTINAL DISORDERS

**PETITION UNDER 37 C.F.R. §1.181(A)(3)**

**Via Facsimile: 571-273-0459**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Attn: PCT Legal Administration**

Sir:

Applicants petition pursuant to 37 C.F.R. §1.181(a)(3) and request that the Notification of Missing Requirements dated September 7, 2005 be withdrawn as improper. Applicants filed the Oath or Declaration and appropriate surcharge on July 26, 2005, prior to the issuance of the Notification of Missing Requirements.

In response to the Notification of Missing Requirements, the Petition, a copy of the previously filed Oath or Declaration of Inventors, a copy of the cashed check for the surcharge, and a copy of the USPTO date stamped postcard verifying the prior filing of the Oath or declaration and surcharge, and a copy of the September 7, 2005 Notification of Missing Requirements are filed herewith

Remarks begin on page 2 of this paper.

Serial No. 10/519,723Docket No. 4350-4005**REMARKS**

Applicants filed the instant application in the U.S. Designated Elected Office under 35 U.S.C. §371 on December 28, 2004.

On July 26, 2005, Applicants hand delivered: (1) an Application Transmittal - Second Submission; (2) an Oath or Declaration of Inventors; (3) an Assignment; (4) a Recordation Form Cover Sheet; and (5) a Check No. 038354 for \$170.00 (\$130.00 -surcharge for late submission of Oath; and \$40.00 -fee for recording Assignment).

According to our records, Check No. 038354, in the amount of \$170.00, was cashed on August 3, 2005.

The postcard stamped by the OIPE on July 26, 2005 acknowledging receipt of: (2) the Application Transmittal - Second Submission (2 pgs); (3) the Oath or Declaration of Inventors (4 pgs); (4) the Assignment document (3 pgs); (5) the Recordation Form Cover Sheet (1 pg); and (6) the check in the amount of \$170.00, verifies the filing of the above noted papers.

**CONCLUSION**

Based on the foregoing remarks, the previously filed Oath or Declaration of Inventors, and evidence provided hereto, Applicants respectfully request reconsideration and withdrawal of the Notice of Missing Requirements under 35 U.S.C. §371. Furthermore, Applicants respectfully request that the previously filed papers resubmitted hereto be entered, *i.e.*, the Oath or Declaration of Inventors and Assignment documents.

Expeditious handling of this petition and resubmitted papers is respectfully requested.

Serial No. 10/519,723Docket No. 4350-4005**AUTHORIZATION**

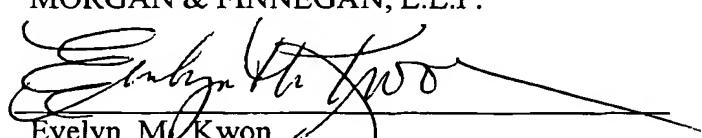
The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4350-4005. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4350-4005. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Dated: September 22, 2005

By:

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.



Evelyn M. Kwon  
Registration No. 54,246

**Correspondence Address:**

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile